

BORA LASKIN LAW LIBRARY



3 1761 04866 7513

DISCRIMINATION LAW

1999-2000

Volume 1

Professor Denise Réaume

Faculty of Law
University of Toronto

Storage

KF
4483
.C58R432
1999
v.1
c.2

BORA LASKIN LAW LIBRARY

AUG 25 1999

FACULTY OF LAW
UNIVERSITY OF TORONTO

DISCRIMINATION LAW


1999-2000

Volume 1

Professor Denise Réaume

Faculty of Law
University of Toronto

Thanks are due to Marsha Gay and Brendan Van Niejenhuis for their capable research assistance in the production of these materials.



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

DISCRIMINATION LAW

1999 - 2000

TABLE OF CONTENTS

VOLUME I

1. THE BACKGROUND: THE EQUALITY DEBATE.....	1
Charles Taylor, <i>Multiculturalism and "the Politics of Recognition"</i> ,	1
Iris Marion Young, <i>Justice and the Politics of Difference</i> ,	17
M.G. Crawford, "Human Rights Commission: Politically Correct Predators?	24
2. THE COMMON LAW OF DISCRIMINATION/ THE LEGISLATIVE RESPONSE	31
A. THE TRADITIONAL COMMON LAW ATTITUDE	31
<i>Christie v. York Corp.</i>	31
<i>Re Noble And Wolf</i>	33
Walter Tarnopolsky, rev'd by William Pentney, <i>Discrimination and the Law</i> ,	39
B. THE LEGISLATURE RESPONDS	43
Walter Tarnopolsky and William Pentney, <i>Discrimination and the Law</i>	43
<i>Ontario Human Rights Commission Training Manual</i>	50
3. THE RATIONALE OF THE ADMINISTRATIVE MODEL OF HUMAN RIGHTS PROTECTION.....	58
Neena Gupta, <i>Reconsidering Bhadauria</i> :	58
Shirish P. Chotalia, "Human Rights Legislation - Does the Administrative Structure Enhance the Objectives of the Legislation?"	68
Shelagh Day, "Impediments of Achieving Equality",	77
R. Brian Howe, "The Evolution of Human Rights Policy in Ontario",.....	81
R. Brian Howe and Malcolm J. Andrade, "The Reputations of Human Rights Commissions in Canada",	92
W.W. Black, <i>Employment Equity: A Systemic Approach</i>	96

4.	THE STATUS OF DISCRIMINATION LAW AND TRIBUNALS.....	100
	A. INTERPRETIVE PRINCIPLES GOVERNING DISCRIMINATION LAW.....	100
	W. Tarnopolsky, revised by W. Pentney, <i>Discrimination and the Law</i> ,.....	100
	<i>C.N. v. Canada (Canadian Human Rights Commission), (Action Travail des Femmes) ...</i>	103
	B. THE STANDARD OF REVIEW OF TRIBUNAL DECISIONS.....	104
	<i>Pezin v. British Columbia (Superintendent of Brokers)</i>	104
	<i>Canada (Attorney General) v. Mossop</i>	104
	David Dyzenhaus, "The Politics of Deference: Judicial Review and Democracy",.....	116
5.	OF PIGEONHOLES AND PRINCIPLES.....	126
	Nitya Iyer, "Categorical Denials: Equality Rights and the Shaping of Social Identity"	127
	<i>Canada (Attorney General) v. Mossop</i>	139
	<i>Ontario Human Rights Commission v. Vogue Shoes</i>	161
	<i>Davison v. St Paul Lutheran Home of Melville, Sask</i>	169
	<i>Gould v. Yukon Order of Pioneers</i>	171

